



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-5748; FMCSA-1999-6156; FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2003-15892; FMCSA-2003-16241; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2005-23099; FMCSA-2005-23238; FMCSA-2006-23773; FMCSA-2007-0071; FMCSA-2007-28695; FMCSA-2008-0231; FMCSA-2009-0011; FMCSA-2009-0086; FMCSA-2009-0154; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2011-0299; FMCSA-2011-0324; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2011-0378; FMCSA-2013-0170; FMCSA-2014-0002]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 87 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, S.E., Room W64-224,

Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, S.E., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On April 7, 2016, FMCSA published a notice announcing its decision to renew exemptions for 87 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (81 FR 20435). The public comment period ended on May 9, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

Based upon its evaluation of the 87 renewal exemption applications and that no comments were received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10), subject to the requirements cited above:

As of April 12, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (68 FR 61857; 68 FR 75715; 71 FR 644; 72 FR 46261; 72 FR 54972; 73 FR 8392; 73 FR 46973; 73 FR 54888; 74 FR 19267; 74 FR 28094; 74 FR 37295; 74 FR 57553; 74 FR 60021; 75 FR 8184; 76 FR 8809; 76 FR 44652; 76 FR

70210; 76 FR 70212; 76 FR 73769; 77 FR 3547; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 17117; 77 FR 17119; 77 FR 22059; 77 FR 22061; 78 FR 66099; 78 FR 67455; 79 FR 2248; 79 FR 4805; 79 FR 13085; 79 FR 14328; 79 FR 14332; 79 FR 18390):

Brian F. Denning (CA)	James Esposito, Jr. (PA)	Keith J. Haaf (VA)
Lowell Johnson (MN)	Chet A. Keen (UT)	Allen J. Kunze (ND)
Craig R. Martin (TX)	Daniel I. Miller (PA)	Jason E. Mallette (MS)
John W. Myre (SD)	Ezequiel M. Ramirez (TX)	Mark A. Smalls (GA)
Greg W. Story (NC)		

The drivers were included in one of the following dockets: Docket Nos. FMCSA-2003-16241; FMCSA-2007-28695; FMCSA-2008-0231; FMCSA-2009-0086; FMCSA-2009-0154; FMCSA-2011-0299; FMCSA-2011-0324; FMCSA-2011-0366; FMCSA-2013-0170. Their exemptions are effective as of April 12, 2016 and will expire on April 12, 2018.

As of April 14, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 40404; 64 FR 54948; 64 FR 66962; 64 FR 68195; 65 FR 159; 65 FR 20251; 66 FR 66969; 67 FR 10475; 67 FR 17102; 68 FR 61860; 68 FR 69432; 68 FR 74699; 68 FR 75715; 69 FR 10503; 69 FR 17267; 69 FR 8260; 70 FR 57353; 70 FR 72689; 71 FR 4194; 71 FR 5105; 71 FR 6824; 71 FR 6825; 71 FR 6826; 71 FR 13450; 71 FR 16410; 71 FR 19600; 71 FR 19602; 73 FR 8392; 73 FR 11989; 74 FR 60022; 75 FR 1835; 75 FR 4623; 75 FR 9482; 75 FR 13653; 77 FR 17107; 79 FR 18391):

Bradley T. Alspach (IL)	Scott E. Ames (ME)	Nick D. Bacon (KY)
Mark A. Baisden (OH)	Johnny W. Bradford, Sr. (KY)	Levi A. Brown (MT)
Charlie F. Cook (GA)	Curtis J. Crowston (ND)	Rupert G. Gilmore III (AL)
Albert L. Gschwind (WI)	Walter R. Hardiman (WV)	Michael W. Jones (IL)
Matthew J. Konecki (MT)	Jack D. Miller (OH)	Eric M. Moats, Sr. (MD)
Robert W. Nicks (NY)	Joseph S. Nix, IV (MO)	Robert V. Sloan (NC)
Steven L. Valley (ME)		

The drivers were included in one of the following dockets: Docket No. FMCSA-1999-5748; FMCSA-1999-6156; FMCSA-1999-6480; FMCSA-2003-15892; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2005-23099; FMCSA-2005-23238; FMCSA-2006-23773; FMCSA-2009-0321. Their exemptions are effective as of April 14, 2016 and will expire on April 14, 2018.

As of April 16, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, Glen A. Schroeder (SD), has satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 10611; 79 FR 22003).

This driver was included in the following docket: Docket No. FMCSA-2014-0002. The exemption is effective as of April 16, 2016 and will expire on April 16, 2018.

As of April 17, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 19749; 77 FR 22838; 79 FR 15794):

Robert J. Abbas (MN)	Paul T. Browning (MT)	Kevan J. Larson (ID)
Gilbert M. Rosas (AZ)	Kim A. Shaffer (PA)	Larry W. Slinker (VA)
Lonnie J. Supanchick (NV)		

The drivers were included in one of the following dockets: Docket No. FMCSA-2011-0378. Their exemptions are effective as of April 17, 2016 and will expire on April 17, 2018.

As of April 18, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 27 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10610; 79 FR 10611; 79 FR 22003):

John M. Alfano (MI)	Felipe Bayron (WI)	Thomas Benavidez, Jr. (ID)
Gary A. Budde (IL)	Mark Castleman (MN)	Lorimer Christianson (IA)
David L. Dykes (FL)	Daniel Fedder (IL)	Edward A. Flitton (UT)
Juan Gallo-Gomez (CT)	Andeberhan O. Gidey (WA)	Luis Gomez-Banda (NV)
Christopher Goodwin (NC)	David Knobloch (MI)	Gregory L. Kockelman (MN)
Mark La Fleur (MD)	Jerry P. Lindesmith (OK)	Dennis A. Lindner (MN)
John Murray (WA)	Michael Nichols (GA)	Dino J. Pires (CT)
Anthony S. Poindexter (MD)	Phil N. Schad (MO)	Glen A. Schroeder (OR)
John B. Theres (IL)	Robert S. Waltz (ME)	Willard H. Weerts (IL)

The drivers were included on the following docket: Docket No. FMCSA-2014-0002. Their exemptions are effective as of April 18, 2016 and will expire on April 18, 2018.

As of April 23, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (67 FR 10471; 67 FR 19798; 68 FR 61857; 68 FR 74699; 68 FR 75715; 69 FR 19611; 71 FR 6825; 71 FR 6829; 71 FR 19604; 72 FR 46261; 72 FR 54972; 72 FR 71993; 73 FR 15254; 73 FR 16950; 74 FR 57553; 74 FR 65842; 75 FR 1835; 75 FR 9478; 75 FR 9482; 75 FR 20881; 77 FR 7657; 77 FR 10604; 77 FR 13689; 77 FR 17115; 77 FR 22059):

Lyle H. Banser (WI)	Cary Carn (NJ)	Charley J. Davis (OK)
Derek T. Ford (MD)	Thomas R. Hedden (IL)	Earl R. Mark (IL)
Richard K. Mell (VA)	Douglas A. Mendoza (MD)	Russell L. Moyers, Sr. (WV)
Danny Rolfe (ME)	Donald Schaeffer (MO)	

The drivers were included in one of the following dockets: Docket No. FMCSA-2001-11426; FMCSA-2003-16241; FMCSA-2003-16564; FMCSA-2007-0071; FMCSA-2007-28695; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2011-0324. Their exemptions are effective as of April 23, 2016 and will expire on April 23, 2018.

As of April 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (75 FR 9480; 75 FR 22176; 77 FR 3552; 77 FR 13691; 77 FR 17108; 79 FR 17642; 79 FR 17643):

Chad L. Burnham (ME)	Loren D. Chapman (MN)	David A. Christenson (NV)
John T. Edmondson (AL)	Paul K. Leger (NH)	Martin L. Reyes (IL)

Gerald L. Rush, Jr. (NJ)	Alan T. Watterson (MA)	Larry W. Winkler (MO)
--------------------------	------------------------	-----------------------

The drivers were included in one of the following dockets: Docket No. FMCSA-2009-0011; FMCSA-2011-0365. Their exemptions are effective as of April 27, 2016 and will expire on April 27, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: December 2, 2016

Larry W. Minor
Associate Administrator for Policy

[FR Doc. 2016-29832 Filed: 12/12/2016 8:45 am; Publication Date: 12/13/2016]